

THE SUPREME COURT FOR THE STATE OF FLORIDA

CASE NO: 95,886, 00-703

**INQUIRY CONCERNING A JUDGE, NO 99-10 and NO. 00-17
HONORABLE MATTHEW E. MCMILLAN**

**UNDER REVIEW FROM THE JUDICIAL QUALIFICATIONS
COMMISSION**

ADDENDUM TO
MOTION TO INTERVENE AS AMICUS CURIAE
REGARDING FINDINGS, CONCLUSIONS AND
RECOMMENDATIONS BY
THE HEARING PANEL OF THE JUDICIAL
QUALIFICATIONS COMMISSION PERTAINING TO

THE HONORABLE JUDGE MCMILLAN

CERTIFICATE OF TYPE SIZE AND STYLE

I, Joseph F. Mammia, certify that the size and style of type used in this Motion is 14 point, proportionately-spaced Times New Roman

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In the interests of justice, I ask that the Court read the attached articles dated June 23, 2001 and July 10, 2001. Both appeared in the Manatee Herald-Tribune, a local newspaper that has, until now, refused to publicly acknowledge the existence of a powerful and corrupt group of individuals in Manatee County known as the Good Ole Boys¹. The investigative reporting in the June 23rd article substantiates the statements that I presented in the amicus brief I previously filed regarding the corruption and false testimony presented in Judge McMillan's case, while the July 10th headline photo of the large public demonstration held outside the Manatee County Courthouse underscores the public outrage in this matter. It would appear that public opinion and pressure have finally forced the paper to bow to the will of the people and to at last report, albeit it a white-washed version, what much of the

¹ I point out the version of the June 23rd article which appeared on the newspaper's internet website (attached) contains a statement regarding the paper's long-term complicity in the campaign against Judge McMillan, but this statement was edited out of the printed/hard copy version.

public already knew.

The credibility of witnesses who hold membership in an organization that calls itself the Good Ole Boys, which proudly excludes women and blacks, which protects the anonymity of its members, and which threatens candidates they oppose either directly or via an emissary, is highly questionable. Their membership in this organization raises overwhelming doubts as to the credibility of their testimony in a trial against one of their own victims. Of particular concern is the admitted membership of not only Sheriff Charlie Wells, but the prosecution's only witness as to Judge McMillan's alleged lack of fitness: Chief Judge Thomas Gallen.² Chief Judge Gallen's unseemly membership in such an organization has done far more harm to the public's perception of the judiciary than anything of which Judge McMillan stands accused by those who would subvert the will of the voters.

This group first attempted to stop Judge Matthew McMillan from running and now seeks to have him removed from the bench, in direct opposition to the voters who elected him, through a campaign of lies, threats, and persecution. It is only through the cherished electoral process that United

² It is ironic that the JQC declares that a judge should be held to a higher standard of conduct than other public officials when running for office, yet relies upon the testimony of witnesses who make a mockery of the public trust in order to make their point.

States citizens stand a fighting chance against such blatant and disgraceful corruption and abuse of authority. The article's revelations and the bi-partisan demonstrations which have been held on the courthouse steps reinforce the importance of respecting the wisdom of the voters in their decision to elect Judge McMillan to the bench..³ The election of Judge McMillan was not only a choosing of the candidate which most appealed to us; it was also a vote against corruption in Manatee County, a vote rendered inviolate by the Constitution, a cornerstone of our democracy and a sacred trust which I urge the Court to support as it has in the past. Judge McMillan's continued presence on the bench will serve as a warning to those who would arrogantly usurp the rights of the voters that such un-American behavior will not be tolerated.

³ Even if the Court were to disapprove of Judge McMillan's campaign literature or his handling of the Ocura matter, the correct remedy in the United States of America is found not through his removal from office and the subsequent re-appointment of the ousted George Brown by the Governor, but in the voting booth at the expiration of his term.

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MANATEE HERALD-TRIBUNE

Power brokers or social club?

posted 6/23/01

By ERIC ALAN BARTON
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BRADENTON -- Working in his yard one night about a decade ago, Joe McClash was puzzled why a couple dozen of Manatee County's most influential men were pulling up to his neighbor's home.

A new county commissioner at the time, McClash nosed around and found out that the sheriff and a few judges and big-time businessmen had stopped by the home of R.B. "Chips" Shore, the clerk of courts, for a private meeting of the Manatee Social Club.

Better known as "The Good Ol' Boys Club," the invite-only group of about 25 men, who include several of the county's top politicians and powerful businessmen, meet behind closed doors eight times a year for dinner and cocktails.

Despite his high place in local politics, McClash, now the Manatee County Commission chairman, says that was the only time he heard of the club -- exactly the anonymity its

members want.

Then in 1998, a candidate for Manatee County judge claimed that Paul Sharff, a man who appeared to be representing the Manatee Social Club, warned him against running without the club's support and painted it as a political machine that secretly controls the county.

After that candidate won and later got embroiled in an ethics complaint, Sheriff Charlie Wells and Chief Judge Thomas Gallen admitted in testimony that a group dubbed the "Good Ol' Boys" exists and that they are members. Yet they disagreed with the perception that the club is a political machine.

For months, observers of Manatee's political scene have wondered who is in the club, what they do and what they talk about.

Wanting to clear the group's reputation and return the Manatee Social Club to some degree of anonymity, its members agreed to talk with the Herald-Tribune, the first time they have openly discussed it.

The club's members adamantly insist they don't conspire to control the county's politics or use their influence to bully political newcomers, as Judge Matt McMillan, now suspended from office, alleged.

"It's a friendship club, where friends get together and enjoy each other's company," said the group's leader, retired banker and car dealership owner Dozier Hilliard. "There really isn't anything sinister about it."

'A real club'

When McMillan was considering running for county judge in 1998, he got a visit from Sharff, a real estate property manager who is now chairman of the Manatee County Republican Executive Committee.

Sharff warned McMillan that the candidate and his wife, Susan, would "pay for it" if he challenged incumbent George K. Brown. Sharff told McMillan he didn't have the support of the Good Ol' Boys and should never run without it.

The McMillans, who declined to comment for this story, tape-recorded the conversation and recited it in the judge's ethics hearing last fall.

"There is a group in this town that runs this county, and they call themselves the Good Ol' Boys, and they're a real club with real meetings and an official membership, and you have to be invited to go," Sharff told the McMillans, according to Susan McMillan's testimony about the discussion.

Sharff initially denied the comments. When he heard that the McMillans had recorded the conversation, he admitted that he made the statements but said he was mistaken about the club. He has attended meetings three times, most recently last month at Wells' home, but said he isn't a member and shouldn't have spoken for the group.

Sharff also told the McMillans that the Good Ol' Boys had connections with the local newspapers, which would write what the group asked them to write about.

Bill Hansen, publisher of the Herald-Tribune's Manatee County edition, said he attended one of the club's dinners several years ago but declined another invitation.

Bradenton Mayor Wayne Poston, who joined about a decade ago when he was executive editor of the Bradenton Herald, said the group never influenced his news judgment.

"There was never any pressure to do anything one way or another, but you had to be responsible for your actions because they'd give me so much grief about anything I wrote," Poston said.

Club members say Sharff was wrong. Wells and others dismissed Sharff's comments to the McMillans as remarks by someone speaking about something he didn't understand.

However, newcomers to political office in Manatee say some of the club's members have long tried to influence local elections. Wells, former Bradenton Mayor Bill Evers and former county commissioner Dan McClure, who is now on the Sarasota-Manatee Airport Authority, are often regarded as local political power brokers.

McClash was a political outsider when he became a county commissioner in 1990. Two years later, Commissioner Ed Chance, whom the sheriff and others supported, challenged him for the at-large seat. McClash says he was approached, by people he wouldn't name, and told he shouldn't challenge Chance.

"I won with a grass-roots campaign and by not worrying about a clique of people trying to

control the government," McClash said. "My goal since I've been in office is to not allow that clique of the political elite to control things."

Similarly, Bradenton City Councilwoman Marianne Barnebey says she was told -- by people she also declined to name -- that she needed approval from Wells and Evers when she considered running for office in 1997. The stay-at-home mom visited Evers, who told her it "wasn't a good idea" for her to run, she says. She ran anyway, and won with a door-to-door campaign that tapped voters outside the old-time political circles.

"Do I look like I was scared away?" Barnebey huffed from her office in City Hall. "I didn't feel that in America that I needed anyone's blessing to run for office."

Losing power

The Manatee Social Club has representatives from every arm of government. From the legal branch are Sheriff Wells, State Attorney Earl Moreland, Florida Highway Patrol Maj. Ron Getman, Clerk of Courts Shore and Chief Circuit Judge Thomas Gallen. Members in politics include Sarasota-Manatee Airport Authority member McClure, Mayor Poston and former mayor Evers.

But, even if the group had ever used its political muscle, that power has waned in recent years. Manatee County, where politics was long dominated by natives and old-timers, is increasingly controlled by newcomers to politics, elected by voters without long-established ties to incumbent candidates. The majority of the members on the City Council and the County Commission are relatively new to politics and not considered part of the old

Bradenton power structure.

Across the South, says University of Florida political science professor Richard Scher, the influence of groups that used to be called "courthouse gangs" at the turn of the century has been diluted by newer politicians. Like the Manatee Social Club, they were typically informal, unstructured groups of politicians and law enforcement officials.

"At some point, there are simply too many people moving into town and these old groups can't control the votes and the resources anymore," Scher said.

Commissioner Jon Bruce was a political outsider who ran in 1996 against an incumbent supported by the old-timers. "The fact that we can get elected is a sign this county is growing and changing and becoming more sophisticated," Bruce said.

By invite only

The Manatee Social Club began after World War II as a group of men who went camping together, hosted each other for dinner or met for breakfast. Members insist it has never been a group interested in secretly controlling the county, but always included people in high positions.

"It's people who normally have ears to what's going on," said McClure.

Hilliard, who joined in 1955, is the member of longest standing and also picks when and where the group meets. Each member is expected to host a dinner every few years, and the

host picks up the tab, which can include a catered dinner and an open bar, or simply beer and steaks.

Some members said Hilliard also picks new members. "Dozier decides who belongs and who doesn't," Gallen said. "Dozier is the dictator, he's not the leader. He decides everything."

With a Southern gentleman's charm, Hilliard denied that, but he said there's no official vote to decide who becomes a member. Instead, he said, those who are invited and then invited back a few times just naturally become members when someone else drops out. He said the club simply looks for new members who fit in well or add a new dynamic to the group, which has always numbered around 25.

Hilliard and others declined to give a list of the members, or as some refer to them, "the regulars," but the Herald-Tribune learned of 13. Of those, all are white. The youngest is 46-year-old Ed Chiles, son of the late Gov. Lawton Chiles.

There has never been a female member. "Now you're really talking about ruining a group," Hilliard joked.

They meet monthly in the winter, then take a break in the summer when Hilliard heads to his vacation home in North Carolina. Once a year, they hold a dinner with their wives at the Holiday Inn, and everyone pays Hilliard \$100 for organizing the meal.

"Dozier tells us when it's our turn and what time to serve dinner," said Dan Molter, who owns a Bradenton pest control business. "Everyone listens because he's the boss."

According to members and others who have attended by invitation, the two-hour dinners start out with a casual meal, and end with Hilliard making announcements about sick relatives or where the next meeting will be.

Wells, who hosted the May meeting, invited a reporter to attend so long as Hilliard said it was all right. Hilliard agreed, but several phone calls to Wells went unanswered the week of the party, and he said later that he had changed his mind.

"I think I'm entitled to a certain privacy," said Wells, who joined the group more than a decade ago when he was Bradenton's police chief. "I just felt like it was an infringement on people. A person goes out for dinner and it's being covered by a reporter? That's ridiculous."

Politicians interviewed for this story who haven't been invited say they don't object to the Manatee Social Club, and many say they haven't heard of it.

John McKay of Bradenton, the Florida Senate president, said he's never been invited to the group or even heard of it. Exclusivity is "what clubs are all about," McKay said.

Pat Glass, a county commissioner for two decades, isn't upset about not being invited. She says the group appears to be no different than the all-women Jaycees or the hunting group, Ducks Unlimited.

"It's their own political business," she said. "I've got enough to say grace over."

McMillan not mentioned

During McMillan's hearing before the Judicial Qualifications Commission, his attorneys questioned Gallen, the chief judge, about his involvement in the Manatee Social Club.

"The wives call it the 'Good Old Boy Club,'" Gallen testified. But he said the club had nothing to do with McMillan's downfall. He spent most of his testimony listing reasons the judge should be removed from the bench.

In January the Judicial Qualifications Commission found McMillan guilty of nine ethics charges. McMillan is on paid leave as the state Supreme Court considers his punishment.

McMillan's claim that he was the subject of a conspiracy by the "incestuous 1,000," including several members of the club, still infuriates the group's members.

"McMillan started all this, but where that boy got all this, I don't know," Wells said angrily.

Gallen calls McMillan's claims "ludicrous." McMillan filed and ran for office during the club's summer break, so the members couldn't have gotten together to conspire against him, the judge said.

"Politics, if talked about (during the dinners), are usually in a lampoon sort of way. If there's a politician in the room, including me, he usually gets lampooned," Gallen said.

Hilliard said he never heard McMillan's name mentioned at the club's meetings.

Even if his campaign was discussed, such conversations wouldn't affect how the members

act professionally, said Moreland, the state attorney.

"I don't think a day has gone by that any group could have controlled this town," Moreland said. "Government is out in the open now, and nobody would stand for some group running the town."

Hilliard, whose contagious laugh turns his cheeks crimson, insists the idea that the club is into politics is foolish. "You get into religion or politics and you can split a group up pretty quick."

CERTIFICATE OF SERVICE

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